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**VIA ECFS**

***EX PARTE***

December 17, 2018

Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Re: *8YY Access Charge Reform*, WC Docket No. 18-156

Dear Ms. Dortch:

On December 13, 2018, AJ Burton, Vice President, Federal Regulatory Affairs, Frontier Communications Corporation (“Frontier”) and the undersigned of Windstream Services, LLC (“Windstream”) met with Nirali Patel of Chairman Pai’s office for a status update on the above-referenced proceeding. In the meeting, we discussed the following:

- The record has not demonstrated widespread 8YY abuse, and while Frontier and Windstream are not opposed to addressing abusive network management practices, the Commission’s proposal to essentially eliminate the 8YY system would result in a windfall for large 8YY service providers and shift costs to consumers;<sup>1</sup>
- The current proposed transition period would have a detrimental impact on predominantly rural carriers like Frontier and Windstream, which, even though total revenues from 8YY are declining organically, are still dependent on such revenues to serve our customers and invest in our networks to deliver next-generation services;<sup>2</sup>
- Because 8YY revenues are declining, the Commission should, at a minimum, adopt a longer transition period that accounts for those declines and avoids eliminating this significant revenue stream while promoting the public interest in rural broadband deployment and maintaining its steadfast commitment to “no flash cuts” for intercarrier compensation reforms;<sup>3</sup>

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<sup>1</sup> See Comments of Windstream Services, LLC, Frontier Communications Corporation and NTCA-The Rural Broadband Association, WC Docket No. 18-156 at 4-10 (Sept. 4, 2018).

<sup>2</sup> See *id.* at 12-13.

<sup>3</sup> See Reply Comments of Frontier Communications Corporation, WC Docket No. 18-156 at 16-18 (Oct. 1, 2018) (“Frontier Reply Comments”) (arguing that the Commission should adopt a phase-down period similar to the six-

- Simply picking the lowest database query rate in the country (\$.0015) would be arbitrary and capricious, and the Commission should instead consider a nationwide average rate along the lines of several other commenters' proposals;<sup>4</sup> and
- If the Commission nonetheless decides to move forward with 8YY reform towards a "bill-and-keep" arrangement, Frontier would need to actually be able to bill for the changes, requiring the Commission to adjust the access recovery charge cap, the \$30 residential rate ceiling, and the subscriber line charge to allow for recovery of lost access charge revenues.<sup>5</sup>

Please contact me if you need additional information.

Sincerely,

*/s/ Thomas Whitehead*

Thomas Whitehead

cc: Nirali Patel

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year transition that was adopted for terminating access). *See also* Ex Parte Letter from Thomas Whitehead, Windstream Services, LLC, to Marlene Dortch, FCC, WC Docket No. 18-156 at 2 (Oct. 22, 2018).

<sup>4</sup> *See e.g.*, Comments of NCTA – The Internet & Television Association, WC Docket No. 18-156 at 6 (Sept. 4, 2018).

<sup>5</sup> *See* Frontier Reply Comments at 13.